

# ICE: ‘Everybody’s getting sued by all these left-wing liberal groups’

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likely means of affecting their capture.”

Clatsop County Sheriff Tom Bergin said, “I can’t believe they put out a statement like that.”

## Tension on immigration

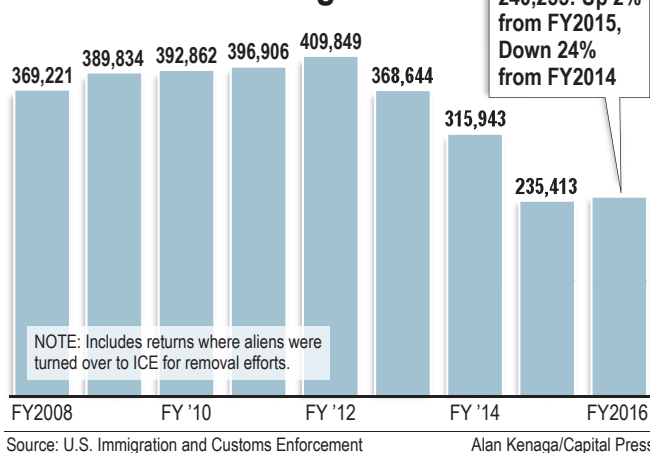
The knock from Immigration and Customs Enforcement illustrates the tension between local law enforcement agencies and the federal government over immigration law. Legal challenges and complaints from human-rights advocates led President Barack Obama to narrow requests for ICE detainers at local jails, but President Donald Trump has taken a hard-line policy toward deporting undocumented immigrants and wants more cooperation from local law enforcement.

Bergin would like the Sheriff’s Office, which oversees the county jail, to work with Immigration and Customs Enforcement. But Oregon counties stepped back from ICE detainers after a federal court ruling in 2014.

## Fourth Amendment

The U.S. District Court in Portland found that Clackamas County had violated the Fourth Amendment rights of a woman kept in custody at the county jail in 2012 on an ICE detainer to determine whether she should be subject to deportation. The woman had been arrested for violating a domestic violence restraining order, had pleaded guilty, was sentenced, and was eligible for

## ICE removals of illegal aliens



release, but she stayed in jail because of the ICE detainer until she was released to deportation agents.

The Fourth Amendment protects against unreasonable searches and seizures — including detention — without probable cause.

Clackamas County had argued that it was following a federal directive that was mandatory, but the federal court ruled, and Immigration and Customs Enforcement has acknowledged, that ICE detainers are not mandatory on local law enforcement.

After the federal court ruling, several county sheriffs announced they would not honor requests for ICE holds without a warrant or a court order.

“Clatsop is not unique,” Virginia Kice, an Immigration and Customs Enforcement spokeswoman, said. “All of the counties in Oregon don’t honor ICE detainers. It’s just one of the reasons we are utilizing leads to go to the courthouse to

make arrests. We have to invest time and resources.”

## ‘Kicking in the door’

Bergin said that if Immigration and Customs Enforcement shows up with “a warrant in their hands, we will be the first ones kicking in the door.”

But, without it, Clatsop County could get embroiled in a lawsuit. “Everybody’s getting sued by all these left-wing liberal groups,” he said.

“I would rather see every criminal illegal alien removed from our county, but at this time I have to protect my guys,” he said.

“Now if we have a really, really bad guy, my office is going to do everything it can to make sure that that person goes into custody, stays in custody,” Bergin said.

Kice said Immigration and Customs Enforcement would prefer to make arrests at a secure environment, such as a jail, rather than outside courthouses. “It would be safer for the bystanders, officers and the



The Daily Astorian/File Photo  
Clatsop County Sheriff Tom Bergin speaks during a press conference at the Boyington building last year.

detainee,” she said.

## Courthouse arrest

The man arrested Tuesday had been deported before, ICE’s statement said. The agency’s deportation officers “sought to arrest the man outside the courthouse after earlier efforts to locate him proved unsuccessful.”

Immigration and Customs Enforcement personnel determine where and how to make arrests “on a case-by-case basis, taking into account all aspects of the situation, including the prospective target’s criminal history; safety considerations; and any sensitivities involving the arrest location,” the agency wrote.

ICE often does not know where suspects live, and many are not regularly employed, Kice said.

“We’re dealing with individuals who have a long criminal history and who are savvy at avoiding law enforcement,” she said.

Without providing specific

details, ICE agents informed the Astoria Police Department of an upcoming arrest in the city.

“ICE does call us occasionally to tell us they are going to do something somewhere,” Deputy Chief Eric Halverson said. “Typically, plainclothes agents call us to let us know they’ll be in our neighborhood.”

## Sanctuary state

An Oregon law approved in 1987 prohibits state and local law enforcement from using public money to pursue and arrest people whose only violation is that they are in the United States illegally. The law does not prevent law enforcement from exchanging information with the federal government on the immigration status of people arrested for crimes, or from making arrests on warrants or court orders for criminal violations of federal immigration law.

In response to President Trump’s immigration crack-

down and threats to withhold federal money from so-called sanctuary cities and states, Gov. Kate Brown in February issued an executive order expanding the law to apply to all state agencies.

Clatsop County Board of Commissioners Chairman Scott Lee said he supports Brown’s executive order, one of several declarations by Democratic governors and mayors against the Republican president.

Sheriff Bergin does not support the sanctuary concept.

“I would be the first one to eliminate the sanctuary city, or the sanctuary county, or the sanctuary state, if it was within my power, because I believe it’s wrong,” the sheriff said. “I believe it is an injustice, and I believe that we are protecting individuals that aren’t even legally here a lot of the time. And it’s just ridiculous. It’s ludicrous.”

The Astoria City Council chose not to designate Astoria a sanctuary city, a decision that Lower Columbia Hispanic Council Executive Director Jorge Gutierrez endorsed.

The City Council on Monday instead adopted a resolution, introduced by Gutierrez, reaffirming the city’s inclusive stance toward immigrants. However, City Councilors Cindy Price and Tom Brownson acknowledged that the resolution does not prevent ICE agents from detaining and deporting local undocumented immigrants. Price advised undocumented immigrants to become documented and to stay out of the justice system.

# Charter school: Proposal could be coming to school board in June

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schools in the next four years, along with vouchers,” Hoppes said, adding a charter designation could help provide a shot of adrenaline for the Gray School program.

## More charters

President Donald Trump has said he plans to funnel billions in funding into school choice programs, including charter schools. New Education Secretary Betsy DeVos has been a strong proponent of charter schools.

The school board in 2012 rejected a bid by Donna and Thomas Freeland from Arizona to open Oceanview Charter School. Hoppes, who provided a recommendation against the charter school, said the district would have had to cut three or four teachers had Oceanview opened.

“We felt as a district that we provide a lot more, a better education, than they could,” Hoppes said. “We

think there are going to be more out there now, because there’s more money coming our way. So I want to insulate us a little bit (from) those people who want to come in and open a charter school, for whatever reason.”

A charter school would have its own governing board. Hoppes said some people have already shown interest in overseeing the school, but that he could not say who yet. The charter school would still fall under the district, and its employees under the same unions as at other schools. The district’s school board would approve a three-year charter for the school.

## Gray School

Students from throughout Clatsop County can apply to become a part of Gray School, after which they become students of Astoria High School. The education at Gray School, focused on credit recovery, is largely self-paced. Students earn credits mostly online and

study on various schedules.

The district provides preschool slots in the Lil’ Sprouts Academy for students with children. The program is supported by a teacher, a part-time counselor, an instructional assistant and a math tutor.

While not much would change in the school’s operation of Gray School, Hoppes said, the charter designation can help capture additional funding.

The state was awarded \$8.7 million for charter school planning, implementation and dissemination grants in October 2015. People and districts organizing charter schools can receive \$100,000 for planning from the Oregon Charter School Program, such as Cannon Beach Academy recently did. Hoppes said a second grant provides up to \$450,000 to help start the school, purchase curriculum, train teachers and buy other equipment.

Hoppes said he would like

to get a charter school application ready this year.

## Catching more kids

Astoria High School Principal Lynn Jackson said a charter school designation can help Gray School enrich its offerings and take in more at-risk students.

Over the last four years, Gray School has had 109 students enter the program, with 29 graduating and three more completing high school in some other way. Jackson said programs like Gray School that serve mobile, at-risk students usually face a 50 to 60 percent turnover rate.

“This is not good enough, certainly,” Jackson said of the 29 graduates out of 109 students. “But at the same time, had Gray School campus not existed, these would be dropouts.”

Jackson said the district has a moral obligation to help students wanting to finish high school, but not always the incentive, because at-risk

kids are tougher to complete and can negatively affect the district’s graduation rate.

Jackson said the charter school could focus more on the overall number of graduates and completers, rather than just the rate. “That gives us the incentive of going out and finding kids that are at-risk.”

Hoppes said the teacher licensing requirements of a charter school program would also be more flexible, allowing the district to bring in, say, a county educator to teach a parenting class, or a Clatsop Community College instructor to teach something like Lives In Transition. He said Gray School is also probably missing a lot of kids in Warrenton and Seaside because they lack transportation, something charter school funding could help with.

Oregon Promise, the state program subsidizing college tuition for incoming freshmen, requires a 2.5 GPA.

Jackson said most students at Gray School don’t have such a GPA, but could participate in Oregon Promise if they pass a GED exam.

## Messaging

School board member David Oser said there has been a negative connotation about charter schools, and that the school district needs to be clear that the proposal will not harm public education.

Jackson said much of that negative connotation comes from private charter schools siphoning off money from public school districts. He said the district can keep the charter school part of the public district, “but give us the means by which we can increase our public school offering and our public school enrollment for that particular subgroup of at-risk students.”

Hoppes said the school district will likely bring a proposal to the school board in June.

# Restaurant: The company’s last coastal expansion was in 1991

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Hardware — making way for more parking and landscaping. Inside, workers are busy installing utilities in the mostly framed interior. Wooden win-

dow frames surround a kitchen area that will provide visitors a view of the large chowder kettles and the entire cooking process.

The company’s chowder factory in Newport pro-

duces more than 500,000 pounds a year, supplying grocery stores and the restaurant’s seven other locations along the Oregon Coast and at Portland International Airport. The company’s last

coastal expansion was 1991 in Cannon Beach. Scull said the company has been looking for several years at Astoria.

“We’re a family-owned business, so it’s more about

the right opportunity ... than about opening up locations,” he said.

With the Columbia River location, he said, Mo’s saw an opportunity to open a restaurant on the scale of its other

locations, while expanding its chowder-producing capacity to meet a growing demand. Scull said Mo’s will likely employ 60 to 80 people year-round in Astoria.

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